

## **REMARKS**

Applicant seeks amendment to claims 1, 3, 5, 8-11, 16, entry of new claims 43-51, and nonpredjudicial cancellation of claims 20-42.

### **Objection**

The Examiner has objected to claims 3, 10 and 11 because of formalities. Applicant has amended claims 3, 10, 11 and 16 to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. As such, Applicant respectfully requests the removal of the objection to claims 3, 10 and 11.

### **Claim Rejections - 35 U.S.C. §§ 102/103**

The Examiner has rejected claims 1-5, 10, 12-15 under 35 U.S.C. § 102(e) as being anticipated by Sugiyama et al. (US Patent Publication No. 2003/0227036 A1). The Examiner has rejected claims 6-8 and 16-19 under 35 U.S.C. § 103(a) as being unpatentable over Sugiyama et al. and further in view of Bohr et al. (US Patent Publication No. 2004/0262683). The Examiner has rejected claim 9 under 35 U.S.C. 103(a) as being unpatentable over Sugiyama et al. and further in view of Figure 1A of the acknowledged prior art (APA).

### **Claims 1-5, 10, 12-15**

In claims 1-5, 10, and 12-15 applicant has taught and claimed devices which have a semiconductor body that is formed “*on a semiconducting substrate.*” In contrast, Applicant understands Sugiyama to disclose only devices which are *on an insulating layer*. Specifically, Sugiyama discloses in Figure 2 a semiconductor device comprising a semiconductor body 30 on an insulating layer 20 (See also Sugiyama Paragraph 0075). To further highlight this distinction, Applicant has amended claims 1, 5, 8, 9, and 10 to refer to the substrate as a “*bulk*” semiconducting substrate. This amendment has clear and unambiguous support in Applicant’s original disclosure (Applicant’s Figure 2 and

Applicant's paragraphs [0012] and [0014]). As taught by Applicant in Figure 2, a *bulk* semiconductor substrate does not have an insulating layer between the active device and the monocrystalline semiconductor substrate. Therefore, it is Applicant's position that Sugiyama fails to anticipate Applicant's independent claims 1 and 10. Dependant claims 2-5 and 12-15 are also not anticipated for at least the same reason. On this basis, Applicant respectfully requests removal of the 35 U.S.C. 102(e) rejection of claims 1-5, 10 and 12-15.

#### **Claims 6-8, 16-19**

Applicant respectfully submits that the subject matter of the Bohr reference and the Applicant's claimed invention were, at the time the invention was made, subject to an obligation of assignment to the same person. Because the Bohr reference is a patent application published after Applicant's invention, Bohr qualifies as prior art only under 35 U.S.C. 102(e). It is therefore Applicant's position that 35 U.S.C. §103(c)(1) applies. On this basis, Applicant respectfully requests removal of the 35 U.S.C. §103(a) rejection of claims 6-8 and 16-19.

#### **Claim 9**

Claim 9 has been amended by Applicant to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, Applicant claims a device having a "silicon-carbon alloy" semiconductor body. As such, Applicant respectfully requests the removal of the 35 U.S.C. 103(a) rejection of claim 9.

#### **Allowable Subject Matter**

The Examiner has indicated that claim11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicant has rewritten dependent claim11 in independent form as new claim 43 which includes the limitations of original independent claim 10 and corrects the informalities in original dependent claim 11. As such, independent claim 43 should be in a condition for allowance.

### Additional Claims

Applicant has added new independent claim 44 specifying a difference in lattice constant between the semiconductor substrate, semiconductor body, and semiconductor capping layer. Applicant has also added new independent claim 51 specifying a semiconductor body which is *strained*. These claimed features are not disclosed by any of the cited references and are clearly and unambiguously supported in the Applicant's original disclosure (Applicant's paragraphs [0012] and [0014] and Applicant's Figure 5). Noting new claims 45-50 depend upon claim 44, Applicant respectfully submits that new claims 44-51 are not anticipated or obvious in view of the cited references.

Applicant respectfully submits that in view of the arguments set forth herein, the applicable rejections have been overcome and the present application is in condition for allowance.

Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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Date: 7/11/05

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